

Pennsburg, PA and milepost 38.23 at Emmaus Jct., Emmaus, PA, a distance of 15.85 miles, in Berks, Lehigh, and Montgomery Counties, PA; (2) the Colebrookdale Industrial Track (Boyertown Branch), USRA Line No. 909, between milepost 0.00 at Colebrookdale Jct. (Pottstown, PA), to milepost 8.60 at Boyertown, PA, a distance of 8.60 miles, in Berks and Montgomery Counties, PA; and (3) the Kutztown Branch, USRA Line No. 910, between milepost 0.17 at Topton, PA, and milepost 4.29 at Kutztown, PA, a distance of 4.12 miles, in Berks County, PA.

The lines were acquired by the Commonwealth of Pennsylvania in 1982 and were formerly operated by Blue Mountain and Reading Railroad Company.¹ They connect with Consolidated Rail Corporation at Topton, Emmaus, and Pottstown, PA. EPRY has entered into three simultaneously executed 5-year agreements with Pennsylvania effective July 1, 1995 and extending to June 30, 2000. This transaction is related to a notice of exemption concurrently filed in *John C. Nolan—Continuance In Control Exemption—East Penn Railways, Inc.*, Finance Docket No. 32733.

The Commission will serve a copy of this notice on the Association of American Railroads (Car Service Division), as agent of all railroads subscribing to the car-service and car-hire agreement, and on the American Short Line Railroad Association.

Decided: July 10, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 95-17329 Filed 7-13-95; 8:45 am]

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[Finance Docket No. 32733]

John C. Nolan—Continuance in Control Exemption—East Penn Railways, Inc.

John C. Nolan (Nolan) has filed a notice of exemption to continue in control of East Penn Railways, Inc. (EPRY), upon EPRY becoming a class III rail carrier. EPRY has concurrently filed a notice for a modified certificate of public convenience and necessity in *East Penn Railways, Inc.—Modified Rail Certificate*, Finance Docket No. 32732, to operate as a rail common carrier in Pennsylvania.

¹ See *Blue Mountain and Reading Railroad Company Modified Rail Certificate*, Finance Docket No. 30305 (Sub-No. 1) (ICC served June 13, 1990).

Nolan also owns and controls the Bristol Industrial Terminal Railway, a class III rail carrier. Nolan indicates that: (1) The properties operated by the affiliated railroads will not connect with each other; (2) the continuance in control is not a part of a series of anticipated transactions that would connect the railroads with each other or any other railroad in their corporate family; and (3) the transaction does not involve a class I carrier. The transaction therefore is exempt from the prior approval requirements of 49 U.S.C. 11343. See 49 CFR 1180.2(d)(2).

As a condition to use of this exemption, any employees affected by the transaction will be protected by the conditions set forth in *New York Dock Ry.—Control—Brooklyn Eastern Dist.*, 360 I.C.C. 60 (1979).

Petitions to revoke the exemption under 49 U.S.C. 10505(d) may be filed at any time. The filing of a petition to revoke will not automatically stay the transaction. Pleadings must be filed with the Commission and served on: Walter A. Stapleton, 143A Green Mountain Road, Claremont, NH 03743.

Decided: July 10, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 95-17328 Filed 7-13-95; 8:45 am]

BILLING CODE 7035-01-P

[Finance Docket No. 32706]

Wisconsin & Southern Railroad Co.—Lease and Operation Exemption—Soo Line Railroad Company, d/b/a CP Rail System

AGENCY: Interstate Commerce Commission.

ACTION: Notice of exemption.

SUMMARY: The Commission, under 49 U.S.C. 10505, exempts from the requirements of 49 U.S.C. 11343-45 Wisconsin & Southern Railroad Company's lease and operation of the Lease Lines located in Milwaukee, WI and operation of non-exclusive operating rights of the OP Lines also located in Milwaukee. The Lease Lines are currently owned and operated by the Soo Line Railroad Company, d/b/a CP Rail System (CPRS). Petitioner asserts that the OP Lines are currently owned by the Chicago Milwaukee Corporation (CMC) and are operated by CPRS pursuant to an agreement between CMC and CPRS. The total trackage subject to exemption under this proceeding is 8.14 miles. The exemption is subject to standard labor protective conditions.

DATES: This exemption will be effective on August 3, 1995. Petitions to stay must be filed by July 24, 1995. Petitions to reopen must be filed by August 3, 1995.

ADDRESSES: Send pleadings referring to Finance Docket No. 32706 to: (1) Office of the Secretary, Case Control Branch, Interstate Commerce Commission, 1201 Constitution Avenue NW., Washington, DC 20423; and (2) Robert A. Wimbish, Rea, Cross & Auchincloss, Suite 420, 1920 N Street, NW, Washington, D.C. 20036.

FOR FURTHER INFORMATION CONTACT: Beryl Gordon, (202) 927-5610. [TDD for the hearing impaired: (202) 927-5721.]

SUPPLEMENTARY INFORMATION:

Additional information is contained in the Commission's decision. To purchase a copy of the full decision, write to, call, or pick up in person from: Dynamic Concepts, Inc., Interstate Commerce Commission Building, 1201 Constitution Avenue, N.W., Room 2229, Washington, DC 20423. Telephone: (202) 289-4357/4359. [Assistance for the hearing impaired is available through TDD services at (202) 927-5721.]

Decided: June 28, 1995.

By the Commission, Chairman Morgan, Vice Chairman Owen, and Commissioners Simmons and McDonald.

Vernon A. Williams,
Secretary.

[FR Doc. 95-17327 Filed 7-13-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-167 (Sub-No. 1148)]

Consolidated Rail Corporation—Abandonment—Between Walkers Mill and Burgettstown, in Allegheny and Washington Counties, PA

The Commission has issued a decision and certificate of interim trail use and abandonment authorizing Consolidated Rail Corporation (Conrail) to abandon its Carnegie Secondary line between milepost 11.00 at Walkers Mill, and milepost 26.70 at Burgettstown, a total of 15.7 miles in Allegheny and Washington Counties, PA. The abandonment is subject to a trail use condition, a public use condition, and standard labor protective conditions. The abandonment certificate will become effective on August 13, 1995, unless the Commission also finds that: (1) A financially responsible person has offered financial assistance (through subsidy or purchase) to enable the rail service to be continued; and (2) it is likely that the assistance would fully compensate the railroad.

Any financial assistance offer must be filed with the Commission and served on the applicant no later than 10 days after publication of this notice. The following notation shall be typed in bold face on the lower left-hand corner of the envelope containing the offer: "Office of Proceedings, AB-OFA." Any offer previously made must be remade within this 10-day period.

Information and procedures regarding financial assistance for continued rail service are contained in 49 U.S.C. 10905 and 49 CFR 1152.27.

Decided: July 10, 1995.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 95-17332 Filed 7-13-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-55 (Sub-No. 510X)]

**CSX Transportation, Inc.—
Abandonment Exemption—in St. Clair
County, MI**

CSX Transportation, Inc. (CSXT) has filed a notice of exemption under 49 CFR 1152 Subpart F—*Exempt Abandonments* to abandon approximately 1.5 miles of its float operation over the St. Clair River between milepost CBD-90.01 at Port Huron and the United States-Canada Boundary line, in St. Clair County, MI.¹

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in favor of the complainant within the 2-year period; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1105.12 (newspaper publication), and 49 CFR 1152.50(d)(1) (notice to governmental agencies) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91

¹ The full scope of the operation extends to milepost CUB-70.33 at Sarnia in the Province of Ontario, Canada. The Commission does not have jurisdiction to exempt operations outside of the United States. CSXT must file its request for any necessary approvals relating to service in Canada with the National Transportation Agency of Canada.

(1979). To address whether this condition adequately protects affected employees, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

Provided no formal expression of intent to file an offer of financial assistance (OFA) has been received, this exemption will be effective on August 13, 1995, unless stayed pending reconsideration. Petitions to stay that do not involve environmental issues,² formal expressions of intent to file an OFA under 49 CFR 1152.27(c)(2),³ and trail use/rail banking requests under 49 CFR 1152.29⁴ must be filed by July 26, 1995. Petitions to reopen or requests for public use conditions under 49 CFR 1152.28 must be filed by August 3, 1995, with: Office of the Secretary, Case Control Branch, Interstate Commerce Commission, Washington, DC 20423.

A copy of any pleading filed with the Commission should be sent to applicant's representative: Charles M. Rosenberger, Senior Counsel, CSX Transportation, Inc. 500 Water Street, J150, Jacksonville, FL 32202.

If the notice of exemption contains false or misleading information, the exemption is void *ab initio*.

CSXT has filed an environmental report which addresses the abandonment's effects, if any, on the environmental and historic resources. The Section of Environmental Analysis (SEA) will issue an environmental assessment (EA) by July 19, 1995. Interested persons may obtain a copy of the EA by writing to SEA (Room 3219, Interstate Commerce Commission, Washington, DC 20423) or by calling Elaine Kaiser, Chief of SEA, at (202) 927-6248. Comments on environmental and historic preservation matters must be filed within 15 days after the EA is available to the public.

Environmental, historic preservation, public use, or trail use/rail banking conditions will be imposed, where appropriate, in a subsequent decision.

Decided: July 10, 1995.

² A stay will be issued routinely by the Commission in those proceedings where an informed decision on environmental issues, whether raised by a party or by the Commission's Section of Environmental Analysis in its independent investigation) cannot be made before the effective date of the notice of exemption. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any entity seeking a stay on environmental concerns is encouraged to file its request as soon as possible in order to permit the Commission to review and act on the request before the effective date of this exemption.

³ See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).

⁴ The Commission will accept a late-filed trail use request as long as it retains jurisdiction to do so.

By the Commission, David M. Konschnik, Director, Office of Proceedings.

Vernon A. Williams,
Secretary.

[FR Doc. 95-17330 Filed 7-13-95; 8:45 am]

BILLING CODE 7035-01-P

[Docket No. AB-55 (Sub-No. 508X)]

**CSX Transportation, Inc.—
Abandonment Exemption—in
Dickenson County, VA**

CSX Transportation, Inc. (CSXT) has filed a verified notice of exemption under 49 CFR Part 1152 Subpart F—*Exempt Abandonments* to abandon 4.1-miles of rail line between milepost ZN-2.2 near Nora and milepost ZN-6.3 at the end of the Nora Branch, in Dickenson County, VA.

CSXT has certified that: (1) No local traffic has moved over the line for at least 2 years; (2) there is no overhead traffic on the line; (3) no formal complaint filed by a user of rail service on the line (or by a State or local government entity acting on behalf of such user) regarding cessation of service over the line either is pending with the Commission or with any U.S. District Court or has been decided in complainant's favor within the last 2 years; and (4) the requirements at 49 CFR 1105.7 (environmental report), 49 CFR 1105.8 (historic report), 49 CFR 1105.11 (transmittal letter), 49 CFR 1152.50(d)(1) (notice to government agencies), and 49 CFR 1105.12 (newspaper publication) have been met.

As a condition to this exemption, any employee adversely affected by the abandonment shall be protected under *Oregon Short Line R. Co.—Abandonment—Goshen*, 360 I.C.C. 91 (1979). To address whether employees are adequately protected, a petition for partial revocation under 49 U.S.C. 10505(d) must be filed.

This exemption will be effective August 13, 1995, unless stayed or a statement of intent to file an offer of financial assistance (OFA) is filed. Petitions to stay that do not involve environmental issues,¹ statements of intent to file an OFA under 49 CFR 1152.27(c)(2),² and trail use/rail banking

¹ The Commission will grant a stay if an informed decision on environmental issues (whether raised by a party or by the Commission in its independent investigation) cannot be made before the exemption's effective date. See *Exemption of Out-of-Service Rail Lines*, 5 I.C.C.2d 377 (1989). Any request for a stay should be filed as soon as possible so that the Commission may take appropriate action before the exemption's effective date.

² See *Exempt. of Rail Abandonment—Offers of Finan. Assist.*, 4 I.C.C.2d 164 (1987).